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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,263	07/24/2003	Stanley T. Mandeltort	30565/38931	9591
4743	7590	03/22/2005	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

S/N

Office Action Summary	Application No.	Applicant(s)	
	10/626,263	MANDELTORT, STANLEY T.	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Coyle et al. (2,650,444). Coyle et al. discloses a storage apparatus for safely storing documents (cards, hunting licenses), comprising a first transparent sheet (10), a second sheet (18) attached to the first transparent sheet along a seal (as shown) to define a pocket, the pocket having an open end (at 16; at 32; at 46), an adherent (26; 24; 38) and an attachment section (19) adapted to mount the storage apparatus within a container in some manner.

As to claims 2 and 3, the disclosed seals are inherently or expressly air and water tight.

As to claim 4, Coyle et al. disclose heat sealing.

As to claim 5, Coyle et al. disclose the second sheet as the same material as the first sheet.

As to claims 6 and 7, Coyle et al. disclose the seal composed of three segments as claimed.

3. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Coyle. Disclosed is a method of manufacturing a device comprising disposing an

adherent (meltable plastic or adhesive, see column 3, lines 10-21) along a first sheet, providing a liquid tight seal between the first and a second sheet and forming an attachment section (19) inherently capable of mounting in a photo album in some manner.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coyle. The dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

6. Claims 1-9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepard (2,986,144) in view of Coyle et al.. Claims 1-9 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holson (4,244,762) in view of Coyle et al.. Shepard and Holson each disclose a storage apparatus for safely storing documents (recipe cards; photographs; respectively), comprising a first transparent sheet (top half of 15; 10 or 11), a second sheet (bottom half of 15; 12) attached to the first transparent sheet along a seal (17; 27 or 29) to define a pocket, the pocket having

an open end (at 20; at 31), and an attachment section (at 27; at 30) adapted to mount the storage apparatus within a container in some manner. Coyle et al. disclose a storage apparatus provided with a relatively permanent adherence between opposed sheets. To modify the storage apparatus of either Shepard or Holson employing the sealing teaching of Coyle et al. would have been obvious in order to provide a waterproof liquid-tight seal to protect the documents from damage, as suggested by Coyle et al..

As to claims 2 and 3, the disclosed seals are inherently or expressly air and water tight.

As to claim 4, Coyle et al. disclose heat sealing.

As to claim 5, Coyle et al. disclose the second sheet as the same material as the first sheet.

As to claims 6 and 7, all the references suggest pockets closed on four sides disclose the seal composed of three segments as claimed.

As to claims 8 and 9, the dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

As to claim 11, Holson discloses a storage apparatus further comprising a second seal (27 or 29) between opposed first and second sheets, the second seal defining a second pocket with an open end.

As to claim 12, to duplicate the adherent structure would have been obvious in order to seal each pocket individually.

As to claims 13 and 14, the dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

As to claims 15 and 31, the attachment section taught by Holson is an unsealed portion bounded by a continuous water-tight seal (26).

As to claims 16 and 32, the holes (30) of Holson are sized and spaced such that the storage apparatus can be received in a loose leaf binder.

As to claim 18, Shepard discloses a single sheet folded over itself.

7. Claims 21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Shepard and Holson in view of Coyle et al.. To merely provide the structural combination of either one of Shepard and Holson in view of Coyle et al., as explained above, would have been obvious in order to protect the contents from water damage.

As to claim 23, Shepard and Holson suggest loose leaf type structures.

8. Claims 10, 17, 22 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3 and 21 above, and further in view of Rappaport et al. (2002/0116854). Rappaport et al. disclose a releasable tape (column 3, line 55 through column 4, line 3) covering an adhesive. To modify the prior art further employing a releasable tape as disclosed by Rappaport et al. would have been obvious in order to protect the adhesive prior to use, as suggested by Rappaport et al..

9. Claims 19-20, 26-27, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Platt (3,279,331). Platt discloses a dual sided tape (3), with the one side having a permanent adhesive and the other a releasable adhesive. To modify the adherent structure of the prior art further employing the dual sided tape structure of Platt would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Platt.

11. Claims 19-20, 26-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Holcomb et al. (4,838,708). Holcomb et al. disclose a dual sided tape covered by a releasable tape (50) with permanent and releasable adhesives or both releasable adhesives (see column 3, line 62 through column 5, line 42). To modify the adherent structure of the prior art further employing the dual sided tape structure of Holcomb et al. would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Holcomb et al..

12. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. See the extended explanations above.

13. This action is made non-final in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Byron P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG